

KELLOGG, HUBER, HANSEN, TODD & EVANS, P.L.L.C.

MICHAEL K. KELLOGG
PETER W. HUBER
MARK C. HANSEN
K. CHRIS TODD
MARK L. EVANS
STEVEN F. BENZ
NEIL M. GORSUCH
GEOFFREY M. KLINEBERG
REID M. FIGEL
HENK BRANDS

SUMNER SQUARE
1615 M STREET, N.W.
SUITE 400
WASHINGTON, D.C. 20036-3209

(202) 326-7900

FACSIMILE:
(202) 326-7999

SEAN A. LEV
EVAN T. LEO
ANTONIA M. APPS
MICHAEL J. GUZMAN
AARON M. PANNER
DAVID E. ROSS
SILVIJA A. STRIKIS
WILLIAM J. CONYNGHAM
RICHARD H. STERN, OF COUNSEL
SHANLON WU, OF COUNSEL

November 26, 2001

VIA ELECTRONIC FILING AND HAND DELIVERY

EX PARTE

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notification of Ex Parte Communication in ET Docket 98-206; RM-9147; RM-9245; Applications of Broadwave USA et al., PDC Broadband Corporation, and Satellite Receivers, Ltd., to provide a fixed service in the 12.2-12.7 GHz Band; Requests of Broadwave USA et al. (DA 99-494), PDC Broadband Corporation (DA 00-1841), and Satellite Receivers, Ltd. (DA 00-2134) for Waiver of Part 101 Rules.

Dear Ms. Salas:

On November 21, Sophia Collier and Antoinette Cook Bush of Northpoint Technology, Ltd. ("Northpoint") met with Paul Margie, Legal Advisor to Commissioner Copps. A copy of a handout discussing the inadequacies of MDS America's recent field test, which has been previously filed in this docket (most recently as an attachment of Northpoint's November 19, 2001, ex parte) was distributed but not discussed. Northpoint did discuss various technical issues regarding sharing of the 12.2-12.7 GHz band among terrestrial and satellite users and generally covered the points made in a briefing that also has been previously filed in this docket (for example, as an attachment to Northpoint's October 17, 2001, ex parte). This latter briefing was not distributed at the meeting, as Mr. Margie had previously received it.

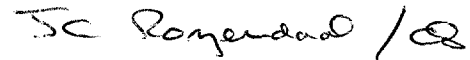
Northpoint reiterated that, during all the experimental testing of Northpoint's technology, whether carried out by Northpoint, by the DBS industry, or by the MITRE Corporation, the record shows no evidence that even a single DBS customer ever suffered any harmful interference from Northpoint's terrestrial service system.

Northpoint also emphasized that the DBS industry will be sharing the 12.2-12.7 GHz band not only with terrestrial service but also with NGSO FSS. The DBS industry

has already agreed to accept more interference from NGSO FSS operators (a 10% increase in unavailability) than it will accept from terrestrial operators. This generous interference budget comes despite the fact that the NGSO FSS systems have the potential to cause harmful interference across the entire United States – not just in small mitigation zones like Northpoint's system. Moreover, it does not appear that the FCC is considering imposing any mitigation obligations on the NGSO FSS operators even though they could cause interference to far more DBS subscribers than Northpoint. Northpoint accordingly suggested that the same mitigation obligations that the Commission chooses to impose on Northpoint should be imposed on NGSO FSS operators as well.

This letter will be filed electronically in ET Docket 98-206, RM-9147, and RM-9245. In addition, twelve copies of this letter will be filed in paper form – two for inclusion in each of the above-referenced application files. Please contact me if you have any questions.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "J.C. Rozendaal" followed by a stylized flourish or initials.

J.C. Rozendaal
*Counsel for Northpoint
Technology, Ltd.*

cc: Paul Margie

CERTIFICATE OF SERVICE

I, Shonn Dyer, hereby certify that on this 26th day of November, 2001, copies of the foregoing were served by hand delivery* and/or first class United States mail, postage prepaid, on the following:

Magalie Roman Salas*
Secretary
Federal Communications Commission
445 12th Street, SW
Room TW-B204
Washington, D.C. 20554

Paul Margie*
Legal Advisor to Commissioner Copps
Federal Communications Commission
445 12th Street, SW
Room TW-B204
Washington, D.C. 20554

Antoinette Cook Bush
Northpoint Technology, Ltd.
444 North Capitol Street, N.W.
Suite 645
Washington, D.C. 20001

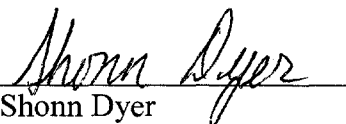
Tony Lin
David C. Oxenford
Shaw Pittman
2300 N. Street, NW
Washington, D.C. 20037

Nathaniel J. Hardy
Irwin, Campbell & Tannewald, PC
1730 Rhode Island Avenue, NW
Suite 200
Washington, D.C. 20036

James H. Barker, III
Latham & Watkins
1001 Pennsylvania Ave., NW
Suite 1300
Washington, D.C. 20004-2505

Pantelis Michalopoulos
Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, D.C. 20036

Nancy K. Spooner
Swidler Berlin Shereff Friedman, LLP
The Washington Harbor
3000 K Street N.W., Suite 300
Washington, D.C. 20007-5116


Shonn Dyer